

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF DELAWARE

CRYSTALLEX INTERNATIONAL  
CORPORATION,

Plaintiff,

v.

BOLIVARIAN REPUBLIC  
OF VENEZUELA,

Defendant.

C.A. No. 17-151-LPS

**CRYSTALLEX INTERNATIONAL CORPORATION'S RESPONSE TO IVAN  
FREITES' PUTATIVE "MOTION FOR RECONSIDERATION"**

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Dated: July 16, 2024

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Crystallex respectfully submits this response to the July 10, 2024, submission of *pro se* plaintiff Mr. Ivan Freites, docketed as a “Motion for Reconsideration of Oral Order (D.I. 1218) Dated July 9, 2024.” D.I. 1219. Mr. Freites has given this Court no reason to reconsider its correct determination that “[a]s a non-party who has neither appeared nor moved to intervene, Mr. Freites cannot file motions seeking substantive relief in this case.” D.I. 1218. Even the case on which Mr. Freites now relies involved entities excluded from a certified class who then moved for “intervention.” *In re Fine Paper Antitrust Litig.*, 695 F.2d 494, 497 (3d Cir. 1982); *see also id.* at 499–501 (affirming the denial of intervention and stating that “[w]ithout intervention, therefore, they had no standing to present the matter to the court”). The time for Mr. Freites to move to intervene has long expired and the information on which he bases his putative motion has been in the public domain for years. Furthermore, Mr. Freites has in no way established his standing “as a union leader representing thousands of Venezuelan creditors.” D.I. 1219 at 3. Therefore, if the Court construes Mr. Freites’ correspondence as a motion, Crystallex respectfully requests that the Court deny it for the reasons already stated.

Crystallex also respectfully requests that the Court instruct the Clerk to docket any future nonparty submissions of this sort as correspondence, not motions. As the sale approaches there might be other submissions by nonparties who have not properly appeared in this matter, or other attempts by unrelated nonparties to disrupt the sale with nongermane filings. But nonparties “may not file pleadings or other matters with the Court on behalf of himself or others in this case” because, like Mr. Freites, they are “not a named party to this lawsuit, nor ha[ve] [they] properly intervened.” *United States v. Scott*, 2011 WL 3497302, at \*1 (D. Colo. Aug. 9, 2011). Crystallex respectfully therefore submits that the Court should exercise its broad discretion in the manage-

ment of its docket to prevent nonparties who have not properly appeared from repeatedly provoking unnecessary motion practice. Should the Court request it, Crystallex will submit a motion seeking this instruction.

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*/s/ Travis S. Hunter*

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